IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3580 OF 2004

Mrs. Nandita Nikhil Bajaria .. Applicant

Vs.

State of Maharashtra & Anr. .. Respondents

Mr. Indrajeet Joshi for Applicant.

Shri A.S. Shitole, APP.

CORAM: S.K. SHAH, J.

DATE : 26th April, 2006.

P.C.

The papers of Criminal Application No. 3125 of 2003 are placed on record.

2. The Applicant is challenging the order passed by the Additional Chief Metropolitan Magistrate whereby he issued the process on the complaint which was filed for offence punishable under section 323, 325, 500, 504, 506, 298 r/w. 107, 114, 120-B read with sec. 34 of IPC. Against the said order one of the accused S.H. Shyamani had filed the Criminal Application No. 3125 of 2003. The Applicant Mrs. Nandita Bajaria who is also wife of the accused had given Application No. 2735 of 2003. The original complaint is filed in the reply wherein para 8 he states that he had filed the said affidavit with his freewill and without any favour or force or coersion and further that the dispute beweeen Nandita Bajaria (present applicant) and Sanjay Bhagat has been settled and in the interest of peace and good gesture towards his student Mr. Nikhil and that he was withdrawing all his allegations against Nandita Bajaria, Sanjay Bhagat and S.M. Shyamani.

3. In view of this affidavit learned counsel for the applicant also states that original complaint have also been withdrawn. In view of the request he states that he is withdrawing the prosecution. Application is allowed to be withdrawn. Application is dismissed as withdrawn.

(S. K. SHAH, J)